

# EXHIBIT F



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**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

RYAN QUARLES,

Plaintiff,

vs.

Civil Action No. 21-cv-02813

COMMISSIONER OUTLAW, et al.

Defendants.

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**REMOTE DEPOSITION BY VIDEOCONFERENCE**

**OFFICER MATTHEW PONENTE**

**TAKEN ON  
JANUARY 4, 2022  
10:06 A.M.**

**477 KRAMS AVENUE  
PHILADELPHIA, PENNSYLVANIA 19128**

<p style="text-align: right;">2</p> <p>1 APPEARANCES BY VIDEOCONFERENCE</p> <p>2</p> <p>3 Appearing on behalf of the Plaintiff:</p> <p>4 AARON BELL, ESQUIRE</p> <p>5 Bell Law Offices</p> <p>6 7303 Frankford Avenue</p> <p>7 Philadelphia, PA 19136</p> <p>8 (215)609-4888</p> <p>9 (833)683-1636 (Fax)</p> <p>10 aaronbelllawfirm@gmail.com</p> <p>11</p> <p>12 Appearing on behalf of the Defendant:</p> <p>13 SHANNON ZABEL, ESQUIRE</p> <p>14 City of Philadelphia Law Department</p> <p>15 1515 Arch Street, 14th Floor</p> <p>16 Philadelphia, PA 19102</p> <p>17 (215)683-5433</p> <p>18 Shannon.Zabel@phila.gov</p> <p>19</p> <p>20 Also Present:</p> <p>21 Mark Nilson, Videoconference Technician</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">4</p> <p>1 EXHIBITS INDEX</p> <p>2 Exhibit Page</p> <p>3</p> <p>4 (NONE MARKED)</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">3</p> <p>1 EXAMINATION INDEX</p> <p>2 Page</p> <p>3</p> <p>4 EXAMINATION BY MR. BELL 6</p> <p>5</p> <p>6 EXAMINATION BY MS. ZABEL 37</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">5</p> <p>1 REMOTE DEPOSITION BY VIDEOCONFERENCE</p> <p>2 OFFICER MATTHEW PONENTE</p> <p>3 TAKEN ON</p> <p>4 JANUARY 4, 2022</p> <p>5 10:06 A.M.</p> <p>6</p> <p>7 THE REPORTER: Officer Ponente, can I</p> <p>8 please have you raise your right hand and let me</p> <p>9 know when you've done so.</p> <p>10 THE DEPONENT: Yes, I've done so.</p> <p>11 THE REPORTER: Do you solemnly swear or</p> <p>12 affirm under the penalty of perjury that the</p> <p>13 testimony you are about to give will be the truth,</p> <p>14 the whole truth, and nothing but the truth?</p> <p>15 THE DEPONENT: I do.</p> <p>16 THE REPORTER: Perfect. Thank you.</p> <p>17 And, Counsel, for the record, please state</p> <p>18 your names and whom you represent.</p> <p>19 MR. BELL: Aaron Bell. I represent Ryan</p> <p>20 Quarles.</p> <p>21 MS. ZABEL: And Shannon Zabel on behalf of</p> <p>22 Defendants Commissioner Outlaw, Officer Ponente, and</p> <p>23 Officer Razman.</p> <p>24 THE REPORTER: Thank you, Counsel. You</p> <p>25 may proceed.</p>

<p style="text-align: right;">6</p> <p>1 MATTHEW PONENTE, having been duly sworn, was  2 examined, and testified as follows:  3 EXAMINATION  4 BY MR. BELL:  5 Q. All right. Good morning, Officer Ponente.  6 A. Good morning.  7 Q. Hey, Officer, can you activate your video?  8 A. Yes.  9 Q. Thank you. If you don't understand any of  10 my questions, let me know and I'll rephrase it. I'm  11 going to get right to the point so I'm not going to  12 waste your time with a bunch of ridiculous  13 questions.  14 What is your highest level of education?  15 A. High school.  16 Q. Okay. How long have you been a police  17 officer?  18 A. Five years.  19 Q. Okay. Can you explain the -- the process  20 of verifying a gun license in Pennsylvania?  21 A. The process of verifying a gun license in  22 Pennsylvania? Normally, it's through the NCIC/PCIC  23 system.  24 Q. Okay. All right. Can you explain how  25 were you trained to verify a gun license from the</p>	<p style="text-align: right;">8</p> <p>1 Intelligence Center, which is a fusion center,  2 correct?  3 A. Correct.  4 Q. And a CDI, that would be generally a local  5 police department's criminal intelligence division?  6 A. Correct.  7 Q. All right. Okay. So when we talk about  8 these information centers, all right, so because  9 there's just something -- like in Georgia they have  10 a general fusion center. You know that, right?  11 A. I, I -- could you say that one more time?  12 I'm sorry?  13 Q. All right. You know, I'll ask you a  14 better question.  15 Let's talk about 911 dispatch. What are  16 the responsibilities of the 911 dispatch officers to  17 the best of your knowledge?  18 A. What are their responsibilities?  19 Q. Yeah, yeah. I mean, I know you're not a  20 911, just to be clear, I know you're not, you're not  21 a 911 dispatch officer, but would you tell me what  22 you know about their responsibilities?  23 A. About a 911 dispatcher being -- as far as  24 I'm concerned, they dispatch 911 calls that they  25 received from intake.</p>
<p style="text-align: right;">7</p> <p>1 State of Georgia?  2 A. Through the same way you would a  3 Pennsylvania license, through the NCIC/PCIC system.  4 Q. Okay. So according to your training that  5 the Philadelphia Police Department provided you  6 concerning Georgia permits, you verify it the same  7 way you would verify a Pennsylvania license?  8 A. Correct.  9 Q. All right. And just to be a little  10 clearer because I could have asked a better  11 question, is there a specific policy that the  12 Philadelphia Police Department has concerning  13 Georgia permits that you're aware of?  14 A. Not that I'm aware of.  15 Q. All right. You briefly mentioned the  16 information centers, the PCIC and the NCIC. Those  17 are like fusion centers, correct?  18 A. Correct.  19 Q. In a way. All right. Can you explain  20 what a fusion center is?  21 A. Fusion centers are -- they're able to run  22 further information, more than I am on just my  23 computer.  24 Q. Okay. All right. So all right. So the  25 PCIC, that refers to the Pennsylvania's Criminal</p>	<p style="text-align: right;">9</p> <p>1 Q. All right. So basically the 911 hotline,  2 that's for the members of the public to report  3 emergencies pretty much?  4 A. Correct.  5 Q. As a sworn police officer, you're sworn  6 and you're certified to be a peace officer in the  7 State of Pennsylvania, right?  8 A. Correct.  9 Q. Would you agree that you have more  10 training and I guess general law enforcement  11 qualifications than a 911 operator would?  12 A. Correct.  13 Q. To the best of your knowledge? I'm sorry.  14 A. Yes.  15 Q. All right. If you had to rank as far as,  16 like, sources of information, what would be your  17 best source of information if you're investigating a  18 -- a subject? Would it be a fusion center or would  19 it be a 911 dispatch officer?  20 MS. ZABEL: I'll object to the form but,  21 Officer, you can answer.  22 THE DEPONENT: A fusion center will tell  23 me more about the individual.  24 BY MR. BELL:  25 Q. All right. In Pennsylvania, would you</p>

<p style="text-align: right;">10</p> <p>1 attempt to verify a gun license by calling the 911 2 hotline? 3 A. No, I would call the fusion center. 4 Q. All right. Why did you think Mr. Quarles' 5 firearm license was faked? 6 A. I didn't -- I never said it was fake. I 7 was calling to verify the validity of it. 8 Q. All right. Did you have opportunity to 9 review your body cam? 10 A. I did not. 11 Q. All right. Would you dispute if, if I 12 said your body cam shows that you said you think 13 it's fake, the license is fake, would you dispute 14 that? 15 A. Like I said, I haven't been able to review 16 it so to the best of my knowledge I don't, I don't 17 recall saying that the license was fake. 18 Q. Okay. Prior to encountering Mr. Quarles, 19 have you ever encountered a Georgia license to 20 carry? 21 A. Yes. 22 Q. Okay. And in that case you were able to 23 verify it that it was either valid or invalid? 24 A. Correct. 25 Q. Do you remember the case name? Do you --</p>	<p style="text-align: right;">12</p> <p>1 Officer, you can answer. 2 THE DEPONENT: I mean, I'm not trained on 3 exactly Georgia permits per se, but to the naked eye 4 it looked legitimate. 5 BY MR. BELL: 6 Q. Okay. When police arrest someone for a 7 serious crime, you take that person into police 8 custody to be processed, correct? 9 A. Correct. 10 Q. Now, prior to arresting someone you need 11 to have a reason to believe that that person 12 committed a crime? 13 A. Correct. 14 Q. And that would -- basically, that reason 15 would essentially be probable cause, right? 16 MS. ZABEL: Objection, calls for a legal 17 conclusion. 18 Officer, you can answer to the best of 19 your ability. 20 THE DEPONENT: I guess, yeah, that's 21 correct. 22 BY MR. BELL: 23 Q. Yeah, Officer, this is not a trick 24 question. You, as a trained officer, you know what 25 probable cause is, correct?</p>
<p style="text-align: right;">11</p> <p>1 A. No, I do not. 2 Q. When did this happen? 3 A. When did what happen? 4 Q. When did you encounter a Georgia gun 5 license prior to Mr. Quarles' case? 6 A. Several years ago. 7 Q. Okay. And just to be clear, you verified 8 whether this license was valid according to the same 9 procedure you used in this case? 10 A. Yes, through the fusion centers. 11 Q. Okay. And when you say "several years", 12 can you -- can you pinpoint a year? 13 A. Either -- 14 Q. What year specifically? 15 A. -- either 2017 or 2018. 16 Q. Okay. Okay. Did you think anything was 17 unusual about Mr. Quarles' gun license when you 18 looked at it? 19 MS. ZABEL: I'll object to the form but, 20 Officer, you can answer. 21 THE DEPONENT: No. 22 BY MR. BELL: 23 Q. So it looked perfectly legit when you 24 looked at it? 25 MS. ZABEL: Objection to the form.</p>	<p style="text-align: right;">13</p> <p>1 A. Right. 2 Q. Yeah, that's all I was asking. So you 3 can't just arrest someone unless you have probable 4 cause to believe a crime happened. That's all I'm 5 asking. You agree with that? 6 A. Okay. Correct. 7 Q. All right. I have a couple of questions 8 about the Georgia Fusion Center. 9 Do you recall talking to the Georgia DBI 10 officer, right? 11 A. Well, I recall talking to several 12 different people -- 13 Q. Yes. 14 A. -- during the investigation, yes. 15 Q. Okay. When you -- when you were finally 16 able to get to -- to reach the Georgia Fusion 17 Center, you talked to a male from the DBI? 18 A. Correct. 19 Q. Right, and this is the person who 20 connected you to Gwinnett County Dispatch? 21 A. Right. 22 Q. All right. So this DBI officer, he 23 informed you that he doesn't have -- there's no 24 database with which to check a firearm license, 25 right?</p>

<p style="text-align: right;">14</p> <p>1 A. Right, from what I recall.</p> <p>2 Q. All right. Do you also recall him saying</p> <p>3 that the courthouse -- you had to contact the</p> <p>4 courthouse?</p> <p>5 A. I don't recall.</p> <p>6 Q. All right. Now, if that's on your body</p> <p>7 cam you wouldn't object -- you wouldn't disagree</p> <p>8 with that if it's depicted on your body cam that the</p> <p>9 officer --</p> <p>10 A. Yeah, if it's on my body camera then,</p> <p>11 yeah, I wouldn't -- I wouldn't dispute that.</p> <p>12 Q. All right. All right. Now, when you</p> <p>13 contacted the 911 operator in Gwinnett County -- you</p> <p>14 remember that, right, your discussion with her?</p> <p>15 A. I remember contacting Gwinnett County's</p> <p>16 dispatch, yes.</p> <p>17 Q. Okay. And the dispatch officer you spoke</p> <p>18 to, to be clear, it was a 911 dispatch officer,</p> <p>19 right?</p> <p>20 A. From what I recall. Again, I, I have not</p> <p>21 been able to review my body camera.</p> <p>22 Q. All right, all right. You didn't talk to</p> <p>23 Gwinnett County CDI, right?</p> <p>24 A. I do not recall.</p> <p>25 Q. Okay. Do you recall the Gwinnett County</p>	<p style="text-align: right;">16</p> <p>1 A. Okay.</p> <p>2 Q. Okay? That means yes?</p> <p>3 A. Yes.</p> <p>4 Q. All right. Do you recall the Gwinnett</p> <p>5 County operator -- or you asking the Gwinnett County</p> <p>6 911 operator if -- if -- if Georgia Police ran</p> <p>7 someone through their PCI/NCIC system for a permit</p> <p>8 carry status, nothing would come back? Do you</p> <p>9 recall that?</p> <p>10 A. Yeah, I recall that.</p> <p>11 Q. All right. At any point did you mislead</p> <p>12 your fellow officers at the scene of the arrest in</p> <p>13 this case?</p> <p>14 A. Can you ask that again?</p> <p>15 Q. At any point did you mislead your</p> <p>16 colleagues about what Georgia officials told you</p> <p>17 about how to verify a gun license?</p> <p>18 MS. ZABEL: Objection to the form.</p> <p>19 Officer, you can answer.</p> <p>20 THE DEPONENT: Mislead in what way?</p> <p>21 BY MR. BELL:</p> <p>22 Q. Okay. Now, did you tell either Officer</p> <p>23 Razman, the sergeant who was at the scene, or anyone</p> <p>24 else who was at the scene that the GBI Fusion</p> <p>25 officer told you that law enforcement don't have</p>
<p style="text-align: right;">15</p> <p>1 dispatch officer telling you at least on three</p> <p>2 occasions that she doesn't have access to gun permit</p> <p>3 records?</p> <p>4 A. Again, I don't recall.</p> <p>5 Q. Okay. Would you like to take a moment to</p> <p>6 review your body cam and we could come back?</p> <p>7 A. I've attempted to review it and I was</p> <p>8 unable to on my cell phone. I attempted to review</p> <p>9 it last night.</p> <p>10 Q. Okay. And are you deliberately, and this</p> <p>11 is not a personal attack, are you deliberately not</p> <p>12 having a recollection or you just simply don't</p> <p>13 recall?</p> <p>14 MS. ZABEL: Objection.</p> <p>15 Officer, you can answer, go ahead.</p> <p>16 THE DEPONENT: This happened over a year</p> <p>17 ago. I don't recall every individual person I spoke</p> <p>18 to, what their position was, and what was said by</p> <p>19 them.</p> <p>20 BY MR. BELL:</p> <p>21 Q. Okay. But -- all right. And you're not</p> <p>22 disputing your body cam. If your body cam shows</p> <p>23 that this operator told you that we don't have gun</p> <p>24 permit records multiple times, you wouldn't, you</p> <p>25 wouldn't contest that, right?</p>	<p style="text-align: right;">17</p> <p>1 access to gun permit records?</p> <p>2 A. Again, I don't recall.</p> <p>3 Q. Okay. Okay, Officer. Do you recall your</p> <p>4 discussion with Detective Rose?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. Did you tell Detective Rose that</p> <p>7 the Georgia Fusion officer told you law enforcement</p> <p>8 don't have access to gun permit records in Georgia?</p> <p>9 A. No, I don't remember that information.</p> <p>10 Q. What specifically do you remember telling</p> <p>11 Detective Rose?</p> <p>12 A. I remember telling Detective Rose that the</p> <p>13 -- that your client did not have a valid permit out</p> <p>14 of Georgia. Detective Rose was able to tell me that</p> <p>15 he was able to look into any prior arrests in</p> <p>16 Georgia and saw, like, a prior arrest for robbery.</p> <p>17 Q. And he told you that knowing your</p> <p>18 discussion now was recorded on the body cam?</p> <p>19 A. That was not recorded on body camera.</p> <p>20 Q. Okay. So you told -- your body cam, it</p> <p>21 shows you, you would agree that it shows you telling</p> <p>22 Detective Rose that Georgia denied that Mr. Quarles</p> <p>23 had a valid permit?</p> <p>24 A. You're asking if my body camera shows</p> <p>25 that?</p>

<p style="text-align: right;">18</p> <p>1 Q. Yes.</p> <p>2 A. No, I don't recall. If anything, from</p> <p>3 what I can recall, my body camera would have been</p> <p>4 off when I spoke to Detective Rose.</p> <p>5 Q. Oh. So you're not aware that it was</p> <p>6 actually recorded?</p> <p>7 A. No, I'm not.</p> <p>8 Q. Okay. Can you turn your sound off on your</p> <p>9 body cam and turn it on when you want to?</p> <p>10 A. Can I turn the sound off? I mean --</p> <p>11 Q. Yeah, off and on.</p> <p>12 A. If nothing's recording at that point.</p> <p>13 Q. All right, but -- okay. Now, look, sorry</p> <p>14 about that. Hold on one second. All right. So if</p> <p>15 something is recorded, right, let's assume your body</p> <p>16 -- you activate your body cam, do you have the</p> <p>17 ability to switch the volume on and off or the audio</p> <p>18 on and off?</p> <p>19 A. No.</p> <p>20 Q. Okay. Did you -- you know giving false</p> <p>21 information to a law enforcement officer is a crime,</p> <p>22 right?</p> <p>23 A. Yes.</p> <p>24 Q. You know fleeing and alluding police</p> <p>25 officers is -- in a high speed chase, that, that's a</p>	<p style="text-align: right;">20</p> <p>1 A. No.</p> <p>2 Q. All right. So he was compliant?</p> <p>3 A. No.</p> <p>4 MS. ZABEL: Objection to the form. Go</p> <p>5 ahead.</p> <p>6 THE DEPONENT: No, he was not compliant.</p> <p>7 I don't -- I don't -- I don't understand where</p> <p>8 fleeing and alluding is considered compliant.</p> <p>9 BY MR. BELL:</p> <p>10 Q. Okay. So he did not comply with you.</p> <p>11 When you pulled him over, he was -- he, he fought</p> <p>12 you, right? That's what you're saying?</p> <p>13 MS. ZABEL: Object to the form.</p> <p>14 Officer, you can answer.</p> <p>15 THE DEPONENT: What time when I pulled him</p> <p>16 over? When I initially got behind him or when he</p> <p>17 got caught in a dead end and stopped?</p> <p>18 BY MR. BELL:</p> <p>19 Q. When he got trapped like a rat, I guess,</p> <p>20 in this dead end and couldn't get away from you.</p> <p>21 MS. ZABEL: Objection to the form.</p> <p>22 Officer, go ahead.</p> <p>23 THE DEPONENT: No, he was taken into</p> <p>24 custody with no incident.</p> <p>25 BY MR. BELL:</p>
<p style="text-align: right;">19</p> <p>1 crime, right?</p> <p>2 A. Correct.</p> <p>3 Q. You didn't arrest Mr. Quarles for</p> <p>4 furnishing a false ID, right?</p> <p>5 A. I don't, I don't apply any charges.</p> <p>6 Q. Okay. But you didn't take him into</p> <p>7 custody for giving you a false ID, right?</p> <p>8 A. No.</p> <p>9 Q. You didn't take him into custody for</p> <p>10 fleeing and alluding officers?</p> <p>11 A. I'm -- I'm not sure if that charge was</p> <p>12 added on or not.</p> <p>13 Q. Yeah, well, I'm not asking about the</p> <p>14 charging process. I mean, like, would you take him</p> <p>15 -- when you decided to take him into custody it</p> <p>16 wasn't for fleeing and alluding officers?</p> <p>17 A. That's correct.</p> <p>18 Q. All right. Why did you stop Mr. Quarles?</p> <p>19 A. Disregarding a stop sign.</p> <p>20 Q. Okay. Now, when you stopped Mr. Quarles</p> <p>21 for disregarding a stop sign, at any point did he</p> <p>22 draw his pistol at you?</p> <p>23 A. Not to my knowledge.</p> <p>24 Q. All right. He didn't attack you in any</p> <p>25 way, right?</p>	<p style="text-align: right;">21</p> <p>1 Q. Okay. So "no incident" meaning he didn't</p> <p>2 attempt to fight you; he complied, he surrendered,</p> <p>3 right?</p> <p>4 A. Yes.</p> <p>5 Q. All right. So disregarding a stop sign,</p> <p>6 that's not a violent offense?</p> <p>7 A. Correct.</p> <p>8 Q. At the time that you took Mr. Quarles out</p> <p>9 of his car, what evidence did you have to believe</p> <p>10 that he was armed and dangerous, if anything?</p> <p>11 A. Treat every individual as if they're armed</p> <p>12 and dangerous 'til proven -- proven otherwise.</p> <p>13 Q. Oh, so you just assume that individuals</p> <p>14 are armed and dangerous?</p> <p>15 A. Again, I'm going off of him fleeing and</p> <p>16 alluding, so --</p> <p>17 Q. Can you explain -- can -- can you describe</p> <p>18 his fleeing and alluding?</p> <p>19 A. When I got behind your client, he</p> <p>20 proceeded to flee at a high rate of speed. He went</p> <p>21 into oncoming traffic on the wrong, wrong side of</p> <p>22 the road. He sideswiped a car on the wrong side of</p> <p>23 the road. He disregarded all and any stop signs,</p> <p>24 red lights, anything at all that was in the road to</p> <p>25 -- in an attempt to evade police.</p>



<p style="text-align: right;">22</p> <p>1 Q. Did you take pictures of this car that he</p> <p>2 sideswiped?</p> <p>3 A. No.</p> <p>4 Q. Were you able to locate this vehicle?</p> <p>5 A. No.</p> <p>6 Q. What color was the car that he sideswiped</p> <p>7 in his dangerous encounter?</p> <p>8 A. I don't recall.</p> <p>9 Q. Was it a car? Was it a minivan? Was it a</p> <p>10 Bentley? What was it?</p> <p>11 A. I don't recall.</p> <p>12 Q. When he sideswiped this car, did you</p> <p>13 notice any damage on his vehicle?</p> <p>14 A. I believe there was some damage, yes.</p> <p>15 Q. What side?</p> <p>16 A. On the passenger side.</p> <p>17 Q. Passenger side. And did the -- did his</p> <p>18 car contact this vehicle, this unknown vehicle, I</p> <p>19 guess towards the front or the back? So, basically,</p> <p>20 what -- did his mirror get knocked off in any way?</p> <p>21 A. Did the mirror get knocked off? I don't</p> <p>22 recall --</p> <p>23 Q. Yeah, Mr. Quarles'.</p> <p>24 A. I don't recall.</p> <p>25 Q. How hard was the impact?</p>	<p style="text-align: right;">24</p> <p>1 BY MR. BELL:</p> <p>2 Q. All right. Drawing your firearm is</p> <p>3 considered a use of force, according to the</p> <p>4 Philadelphia Police Department policy directives.</p> <p>5 MS. ZABEL: Pardon me. Mr. Bell, are you</p> <p>6 talking about current directives or directives that</p> <p>7 were in place at the time of this arrest in February</p> <p>8 2020?</p> <p>9 MR. BELL: All right. What are the --</p> <p>10 when have the directives been updated, Ms. Zabel, to</p> <p>11 your knowledge? Because the one I have I think it's</p> <p>12 10-point something and it said it was -- came out in</p> <p>13 2000-either '18. I don't have it right in front of</p> <p>14 me, but --</p> <p>15 THE DEPONENT: No, those, those were</p> <p>16 changed in -- those were changed around the summer</p> <p>17 time, fall of 2020; after the George Floyd riots</p> <p>18 those were implemented.</p> <p>19 BY MR. BELL:</p> <p>20 Q. Okay. So what does your directive say</p> <p>21 about the</p> <p>22 use of force now concerning drawing a pistol?</p> <p>23 A. Now, now it warrants a use of force to be</p> <p>24 completed.</p> <p>25 Q. Okay. And that's a use of force memo?</p>
<p style="text-align: right;">23</p> <p>1 A. I mean, he -- he tried to wedge between a</p> <p>2 car that was in the lane at the red light and then a</p> <p>3 car that was parked, and he sideswiped a car that</p> <p>4 was parked.</p> <p>5 Q. Hmm. So it was in tight quarters</p> <p>6 basically?</p> <p>7 A. Yes.</p> <p>8 Q. All right. And his mirror didn't get</p> <p>9 knocked off at all?</p> <p>10 A. I don't recall if the mirror was knocked</p> <p>11 off.</p> <p>12 Q. Would you be surprised if there's no</p> <p>13 damage to the paint on his vehicle?</p> <p>14 A. I would be surprised, yes.</p> <p>15 Q. Do you recall pointing out this damage to</p> <p>16 his vehicle to your -- your colleagues at the scene</p> <p>17 of -- of the arrest in this case?</p> <p>18 A. I don't recall.</p> <p>19 Q. This dangerous, I guess, your initial</p> <p>20 encounter with him -- it was, it was very dangerous</p> <p>21 if he's running from you and sideswiping vehicles;</p> <p>22 you agree?</p> <p>23 MS. ZABEL: Object to the form.</p> <p>24 Go ahead and answer if you can, Officer.</p> <p>25 THE DEPONENT: Yes.</p>	<p style="text-align: right;">25</p> <p>1 A. Correct. At the time of this arrest, that</p> <p>2 was not in the directives.</p> <p>3 Q. Okay. So if I have directives, if I have</p> <p>4 directives prior to -- immediately, the ones</p> <p>5 immediately prior to the ones that were in force now</p> <p>6 -- strike that.</p> <p>7 Ignore that.</p> <p>8 To be clear, you --</p> <p>9 MS. ZABEL: Sorry, Mr. Bell, just for --</p> <p>10 just for clarification, so I think you're talking</p> <p>11 about Directive 10.2. The effective date of it is</p> <p>12 2015; there's an updated date of, like, December</p> <p>13 2021, and that includes that use of force, that a</p> <p>14 firearm being pointed is now considered a use of</p> <p>15 force and a form should be filled out. I can send</p> <p>16 you a copy of that if you want.</p> <p>17 MR. BELL: Yes, please.</p> <p>18 MS. ZABEL: Okay.</p> <p>19 BY MR. BELL:</p> <p>20 Q. Why did you think drawing your firearm was</p> <p>21 necessary in this case, Officer Ponente?</p> <p>22 A. I had just stopped someone who fled from</p> <p>23 me, so I didn't know what I was encountering.</p> <p>24 Q. Okay. When you -- when you ran Mr.</p> <p>25 Quarles' firearm to see if it came back registered,</p>



<p style="text-align: right;">26</p> <p>1 what happened?</p> <p>2 A. I don't recall.</p> <p>3 Q. Were you suspicious -- all right. Would</p> <p>4 you -- would you disagree with your -- if I said</p> <p>5 your body cam showed that you -- you thought Mr.</p> <p>6 Quarles, I guess, was suspicious because when you</p> <p>7 ran his firearm it didn't come back to a registered</p> <p>8 owner. Would you agree with that?</p> <p>9 A. That -- that could happen, yes.</p> <p>10 Q. Okay. Are you aware that Pennsylvania</p> <p>11 prohibits a registration, a law enforcement registry</p> <p>12 of firearms ownership?</p> <p>13 A. There are still -- through the fusion</p> <p>14 centers you're still able to see who the registered</p> <p>15 owner of the firearm is.</p> <p>16 Q. Yes. All right, all right. But you</p> <p>17 understand that under State law he don't have to</p> <p>18 register his firearm with anyone?</p> <p>19 A. Right. I understand but I'm still able to</p> <p>20 check who the owner is because if I do recall</p> <p>21 correctly he stated at one point, again, I would</p> <p>22 have to review my body camera, he may have stated at</p> <p>23 one point that it's, it was his friend's firearm.</p> <p>24 Q. All right. And you know it's -- it's</p> <p>25 totally legal to have your friend's firearm if you</p>	<p style="text-align: right;">28</p> <p>1 A. I guess. Again, I don't recall exactly</p> <p>2 who sent it. It could've been the radio room, it</p> <p>3 could've been the front desk. I don't recall.</p> <p>4 Q. Front desk refers to what?</p> <p>5 A. Well, I guess the radio room front desk</p> <p>6 and there's different -- you have dispatch, you have</p> <p>7 radio room, you have front desk. It's -- I don't</p> <p>8 know who sent the teletype.</p> <p>9 Q. You said you -- on your bodycam, so you're</p> <p>10 talking to a supervisor from the front desk.</p> <p>11 A. Okay.</p> <p>12 Q. All right?</p> <p>13 A. Okay.</p> <p>14 Q. So at the time who did you believe the</p> <p>15 front desk was?</p> <p>16 A. Well, if my body cam says that I'm talking</p> <p>17 -- that I was talking to a supervisor from the front</p> <p>18 desk then I would assume that's who sent the</p> <p>19 teletype.</p> <p>20 Q. Okay. Which front desk?</p> <p>21 A. My front desk.</p> <p>22 Q. The one -- it wasn't your radio room,</p> <p>23 you'd agree with that because you called your radio</p> <p>24 room. Your radio room said they couldn't do that;</p> <p>25 you've got to go through the front desk.</p>
<p style="text-align: right;">27</p> <p>1 have a license to carry on the public --</p> <p>2 A. Right.</p> <p>3 Q. -- street?</p> <p>4 A. That's correct.</p> <p>5 Q. So why did that cause you to be</p> <p>6 suspicious?</p> <p>7 A. I run every single firearm that I get.</p> <p>8 Q. All right. So if -- if every single</p> <p>9 firearm or if a particular fire arm doesn't come</p> <p>10 back, that would arise suspicion in you?</p> <p>11 A. No.</p> <p>12 Q. So why were you suspicious in this case?</p> <p>13 A. Again, because your client fled from</p> <p>14 police.</p> <p>15 Q. When you talked to the sergeant at the</p> <p>16 scene, you didn't tell him that -- according to your</p> <p>17 body cam, you didn't tell him that he fled from the</p> <p>18 police and that's why you were suspicious.</p> <p>19 A. Okay. I don't recall.</p> <p>20 Q. All right. So if the body cam shows that,</p> <p>21 you -- you're not contesting it?</p> <p>22 A. Correct.</p> <p>23 Q. When you -- when you had the teletype sent</p> <p>24 to Georgia, you had front desk, the Philadelphia</p> <p>25 Police Department front desk send a teletype?</p>	<p style="text-align: right;">29</p> <p>1 A. Okay. Then I went to the front desk.</p> <p>2 Q. All right. And the front desk would be</p> <p>3 what?</p> <p>4 A. The front desk would be a supervisor from</p> <p>5 radio or from communications, if you would.</p> <p>6 Q. All right. And where is communications</p> <p>7 located?</p> <p>8 A. I don't know.</p> <p>9 Q. Were you disciplined in any way for your</p> <p>10 conduct in this case?</p> <p>11 A. No.</p> <p>12 Q. Were you admonished or were you warned by</p> <p>13 any supervisors at any time?</p> <p>14 A. No.</p> <p>15 Q. Did anyone ever tell you -- did anyone</p> <p>16 ever give you advice on how to deal with a Georgia</p> <p>17 permit?</p> <p>18 A. No.</p> <p>19 Q. After this incident?</p> <p>20 A. No.</p> <p>21 Q. Are you currently -- you're currently</p> <p>22 aware that Mr. Quarles' gun license was valid the</p> <p>23 whole time?</p> <p>24 MS. ZABEL: Objection to the form; valid</p> <p>25 when? When he was arrested in February?</p>

<p style="text-align: right;">30</p> <p>1 MR. BELL: Yes, yeah. To be clear, yes.</p> <p>2 Sorry about that.</p> <p>3 BY MR. BELL:</p> <p>4 Q. Are you, Officer Ponente, are you aware</p> <p>5 now that Mr. Quarles' gun license was valid at the</p> <p>6 time that you encountered him?</p> <p>7 A. Yes.</p> <p>8 Q. Not, not that you were aware then; I'm</p> <p>9 talking about now.</p> <p>10 A. Right.</p> <p>11 Q. All right. So -- and it's not a trick</p> <p>12 question. So are you aware -- are you aware now</p> <p>13 that Georgia's laws require an officer to call the</p> <p>14 judge or call the courthouse to verify a gun</p> <p>15 license?</p> <p>16 A. I'm not aware of Georgia laws.</p> <p>17 Q. All right, all right. Is it fair to say</p> <p>18 that at the time you encountered Mr. Quarles you, to</p> <p>19 the best of your training and knowledge, you</p> <p>20 attempted to verify whether this -- his license to</p> <p>21 carry was valid or not?</p> <p>22 A. Correct.</p> <p>23 Q. So you weren't trying to just railroad</p> <p>24 this man into jail?</p> <p>25 MS. ZABEL: Objection to the form.</p>	<p style="text-align: right;">32</p> <p>1 Q. If a person doesn't have a license to</p> <p>2 carry, they go to jail?</p> <p>3 A. Correct.</p> <p>4 Q. If you can't verify that a person's</p> <p>5 license to carry is in fact legitimate, that person</p> <p>6 goes to jail?</p> <p>7 A. Correct.</p> <p>8 Q. In a given week, how many times would you</p> <p>9 say you had to verify whether someone has a valid</p> <p>10 license to carry?</p> <p>11 A. It could be a couple of times, could be</p> <p>12 none at all.</p> <p>13 Q. Okay. In a given year how many? I know</p> <p>14 you probably don't -- I'm not expecting you to know</p> <p>15 the exact number, but how often is it?</p> <p>16 A. In a year it could be dozens of times.</p> <p>17 Q. Every time you make a gun arrest, right?</p> <p>18 A. Yes.</p> <p>19 Q. And you made how many gun arrests on</p> <p>20 average you think you make in a year?</p> <p>21 A. Twenty to --</p> <p>22 MS. ZABEL: Objection, asked and answered.</p> <p>23 Go ahead. Sorry, didn't mean to cut you</p> <p>24 off.</p> <p>25 THE DEPONENT: -- 30. Okay. Twenty to</p>
<p style="text-align: right;">31</p> <p>1 You can answer, Officer.</p> <p>2 THE DEPONENT: That's correct.</p> <p>3 BY MR. BELL:</p> <p>4 Q. One moment, Officer. You aren't able to</p> <p>5 verify Georgia's gun -- Quarles' Georgia gun permit,</p> <p>6 according to Georgia specific procedure because</p> <p>7 nobody taught you how to do that. Would you agree</p> <p>8 with that?</p> <p>9 A. That's correct.</p> <p>10 Q. Now, if you were aware you would have</p> <p>11 followed the procedure; that's why you were on the</p> <p>12 phone making calls and trying to verify it, right?</p> <p>13 MS. ZABEL: Objection to the form.</p> <p>14 You can answer, Officer.</p> <p>15 THE DEPONENT: Yeah, sure.</p> <p>16 BY MR. BELL:</p> <p>17 Q. How often -- or you know what? Is</p> <p>18 verifying firearm licenses a important part of your</p> <p>19 job?</p> <p>20 A. Yes.</p> <p>21 Q. Every time you encounter someone on a</p> <p>22 public street who you lawfully stop and they have a</p> <p>23 firearm, you -- you are required to determine</p> <p>24 whether that person has a license to carry?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">33</p> <p>1 30.</p> <p>2 BY MR. BELL:</p> <p>3 Q. The manner in which you attempted to</p> <p>4 verify Mr. Quarles' gun license is consistent with</p> <p>5 the generally accepted practices and training</p> <p>6 provided by the Philadelphia Police Department?</p> <p>7 A. Yes.</p> <p>8 Q. So the way you attempted to verify Mr.</p> <p>9 Quarles' gun license would've been just the way you</p> <p>10 were taught to verify the gun license?</p> <p>11 A. Through the --</p> <p>12 MS. ZABEL: Objection, asked and answered.</p> <p>13 Go ahead, Officer.</p> <p>14 THE DEPONENT: Through the Fusion Center,</p> <p>15 through the Pennsylvania Fusion Center.</p> <p>16 BY MR. BELL:</p> <p>17 Q. All right. In your experience and</p> <p>18 training as a law enforcement officer, law</p> <p>19 enforcement officials typically have access to gun</p> <p>20 permit records.</p> <p>21 MS. ZABEL: Is that a question?</p> <p>22 MR. BELL: Yeah, that's a question.</p> <p>23 THE DEPONENT: Well, can -- can you repeat</p> <p>24 the question?</p> <p>25 BY MR. BELL:</p>

<p style="text-align: right;">34</p> <p>1 Q. Yeah, certainly. Law enforcement -- in</p> <p>2 your understanding as a law enforcement officer, you</p> <p>3 -- you understand law enforcement officers typically</p> <p>4 have access to gun permit records, right? I know it</p> <p>5 sounds crazy but it's really simple. It's not a</p> <p>6 trick question.</p> <p>7 A. To what -- I mean, to what extent? Do I -</p> <p>8 - I don't --</p> <p>9 Q. Okay. All right. Well, basically, law</p> <p>10 enforcement would have -- you understand law</p> <p>11 enforcement to typically have gun permit records for</p> <p>12 the purpose of being able to verify whether somebody</p> <p>13 has a gun permit, right?</p> <p>14 A. Okay.</p> <p>15 Q. I'm not saying that the -- to be clear,</p> <p>16 the question isn't saying -- isn't asking whether</p> <p>17 police officers, every officer has someone's gun</p> <p>18 permit records in his cell phone or something like</p> <p>19 that.</p> <p>20 What I'm saying is, it's your</p> <p>21 understanding that a fusion center would typically</p> <p>22 be able to verify a gun license, correct?</p> <p>23 A. A fusion center would, yes, correct.</p> <p>24 Q. Yes. So would it be unusual in your</p> <p>25 opinion -- in your opinion, would it be unusual for</p>	<p style="text-align: right;">36</p> <p>1 BY MR. BELL:</p> <p>2 Q. So the answer was no?</p> <p>3 A. Correct.</p> <p>4 Q. Is there anything about Mr. Quarles' race</p> <p>5 that caused you to believe his license was invalid?</p> <p>6 You --</p> <p>7 A. No.</p> <p>8 Q. Basically, did you believe his license was</p> <p>9 not valid because he is black?</p> <p>10 A. No, that is not correct.</p> <p>11 Q. All right. So you don't have any racial</p> <p>12 animus towards Mr. -- towards black people, right?</p> <p>13 A. No, I do not.</p> <p>14 Q. All right. You're not a member of the</p> <p>15 Proud Boys and never were, were you?</p> <p>16 A. No, I'm not and I never was.</p> <p>17 Q. So if Mr. Quarles was white would you</p> <p>18 treat him with the same courtesy as you did in this</p> <p>19 case?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. All right. When is somebody --</p> <p>22 when would a reasonable person believe that they're</p> <p>23 arrested?</p> <p>24 MS. ZABEL: Objection. How can he know</p> <p>25 what a reasonable person would think?</p>
<p style="text-align: right;">35</p> <p>1 police not to be, not to be -- not to have that</p> <p>2 information, a fusion center not to have that</p> <p>3 information concerning a gun permit?</p> <p>4 MS. ZABEL: Objection. Do you mean the</p> <p>5 Pennsylvania Fusion Center or any fusion center?</p> <p>6 MR. BELL: Fusion centers generally. The</p> <p>7 law enforcement fusion center generally to his</p> <p>8 understanding.</p> <p>9 THE DEPONENT: Well, there's not just one</p> <p>10 law enforcement fusion center --</p> <p>11 BY MR. BELL:</p> <p>12 Q. Yeah, I know. I know, I know.</p> <p>13 THE REPORTER: Counsel, I just want to</p> <p>14 remind everybody I need everybody to speak one at a</p> <p>15 time. I'm taking everybody's voices down, so thank</p> <p>16 you.</p> <p>17 MS. ZABEL: Will do. Sorry, Jordan.</p> <p>18 BY MR. BELL:</p> <p>19 Q. Officer, have you ever heard of a</p> <p>20 procedure, a gun permit verification procedure</p> <p>21 similar to Georgia's where you have to call the</p> <p>22 judge?</p> <p>23 A. No.</p> <p>24 MS. ZABEL: Objection, asked and answered.</p> <p>25 He already said he didn't know Georgia's laws.</p>	<p style="text-align: right;">37</p> <p>1 MR. BELL: He can answer to the best of</p> <p>2 his abilities.</p> <p>3 BY MR. BELL:</p> <p>4 Q. To the best of your abilities, Officer,</p> <p>5 can a --</p> <p>6 A. I've never -- I've never been arrested so</p> <p>7 I don't know when -- when somebody would say --</p> <p>8 Q. So you wouldn't have an idea of when a</p> <p>9 reasonable person would believe that they're</p> <p>10 arrested?</p> <p>11 A. No, I wouldn't have an idea. Maybe as</p> <p>12 soon as the handcuffs go on, maybe as soon as they -</p> <p>13 - I drive off with them in my car. I don't, I don't</p> <p>14 know.</p> <p>15 MR. BELL: All right. That's all I have</p> <p>16 for you, Officer. Thank you.</p> <p>17 THE DEPONENT: Thank you.</p> <p>18 MS. ZABEL: Officer, I just have a quick</p> <p>19 question for you.</p> <p>20 EXAMINATION</p> <p>21 BY MS. ZABEL:</p> <p>22 Q. So you mentioned that you had roughly 20</p> <p>23 to 30 gun arrests in a year on average, right?</p> <p>24 A. Yeah, give or take.</p> <p>25 Q. Okay. What percentage of those gun</p>

<p>38</p> <p>1 arrests would you say are for people who don't have</p> <p>2 gun permits in Pennsylvania or have invalid gun</p> <p>3 permits from Pennsylvania?</p> <p>4 A. More like 95 percent of those are just</p> <p>5 straight do not have permits or never have. I'll</p> <p>6 get an occasional one that has a revoked permit.</p> <p>7 Q. Okay. And the occasional ones where you</p> <p>8 have revoked permits, generally where are they from?</p> <p>9 A. Generally I see them from Pennsylvania.</p> <p>10 MS. ZABEL: Okay. Those are all the</p> <p>11 questions I have for you. Mr. Bell might have</p> <p>12 follow-up.</p> <p>13 THE DEPONENT: Okay.</p> <p>14 MR. BELL: No follow-up.</p> <p>15 MS. ZABEL: Okay.</p> <p>16 THE REPORTER: Okay, counsel.</p> <p>17 MS. ZABEL: That is all then.</p> <p>18 THE REPORTER: Are you ready to go off the</p> <p>19 record?</p> <p>20 MS. ZABEL: Yes, thank you.</p> <p>21 THE REPORTER: And before we go off the</p> <p>22 record, Mr. Bell, would you like the original of</p> <p>23 this transcript?</p> <p>24 MR. BELL: Yes, please.</p> <p>25 THE REPORTER: And, Ms. Zabel, would you</p>	<p>40</p> <p>1 CERTIFICATE</p> <p>2</p> <p>3 I, Jordan Weems, do hereby certify that I reported all</p> <p>4 proceedings adduced in the foregoing matter and that the</p> <p>5 foregoing transcript pages constitutes a full, true and</p> <p>6 accurate record of said proceedings to the best of my</p> <p>7 ability.</p> <p>8</p> <p>9 I further certify that I am neither related</p> <p>10 to counsel or any party to the proceedings nor have any</p> <p>11 interest in the outcome of the proceedings.</p> <p>12</p> <p>13 IN WITNESS WHEREOF, I have hereunto set my hand this</p> <p>14 19th day of January, 2022.</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20 /S/ Jordan Weems</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p>39</p> <p>1 like a copy?</p> <p>2 MS. ZABEL: Yes. Could I get an</p> <p>3 electronic? Do you do minis?</p> <p>4 THE REPORTER: Yes.</p> <p>5 MS. ZABEL: Yes, if I could do that, that</p> <p>6 would be great. Thank you.</p> <p>7 THE REPORTER: Okay. E-tran mini. I've</p> <p>8 made note of that.</p> <p>9 The time is 10:44 a.m. We are now off the</p> <p>10 record.</p> <p>11 (WHEREUPON, the deposition of OFFICER</p> <p>12 MATTHEW PONENTE was concluded at 10:44 a.m.)</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>41</p> <p>1 CORRECTION SHEET</p> <p>2 Deposition of: Ofc. Matthew Ponente Date: 01/04/22</p> <p>3 Regarding: Quarles vs. Commissioner Outlaw</p> <p>4 Reporter: Weems/Tate</p> <p>5 _____</p> <p>6 Please make all corrections, changes or clarifications</p> <p>7 to your testimony on this sheet, showing page and line</p> <p>8 number. If there are no changes, write "none" across</p> <p>9 the page. Sign this sheet on the line provided.</p> <p>10 Page Line Reason for Change</p> <p>11 _____</p> <p>12 _____</p> <p>13 _____</p> <p>14 _____</p> <p>15 _____</p> <p>16 _____</p> <p>17 _____</p> <p>18 _____</p> <p>19 _____</p> <p>20 _____</p> <p>21 _____</p> <p>22 _____</p> <p>23 _____</p> <p>24 Signature _____</p> <p>25 Ofc. Matthew Ponente</p>

42

## 1 DECLARATION

2 Deposition of: Ofc. Matthew Ponente Date: 01/04/22

3 Regarding: Quarles vs. Commissioner Outlaw

4 Reporter: Weems/Tate

5 \_\_\_\_\_

6

7 I declare under penalty of perjury the following to

8 be true:

9

10 I have read my deposition and the same is true and

11 accurate save and except for any corrections as made

12 by me on the Correction Page herein.

13

14 Signed at \_\_\_\_\_,

15 on the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

16

17

18

19

20

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22

23

24 Signature \_\_\_\_\_

25 Ofc. Matthew Ponente

<u>1</u>	<u>A</u>	32:23 33:13	19:3
<b>10.2</b> 25:11	<b>a.m</b> 5:5	<b>alluding</b>	23:17
<b>10:06</b> 5:5	39:9 39:12	18:24 19:10	24:7 25:1
<b>10:44</b> 39:9	<b>Aaron</b> 5:19	19:16	32:17
39:12	<b>abilities</b>	20:8	<b>arrested</b>
<b>10-point</b>	37:2 37:4	21:16 21:18	29:25 36:23
24:12	<b>ability</b> 12:19	<b>already</b> 35:25	37:6 37:10
<b>18</b> 24:13	18:17	<b>am</b> 7:22	<b>arresting</b>
<u>2</u>	<b>able</b> 7:21	<b>animus</b> 36:12	12:10
<b>20</b> 37:22	10:15 10:22	<b>answer</b> 9:21	<b>arrests</b> 17:15
<b>2000-either</b>	13:16 14:21	11:20	32:19 37:23
24:13	17:14 17:15	12:1	38:1
<b>2015</b> 25:12	22:4	12:18 15:15	<b>assume</b>
<b>2017</b> 11:15	26:14 26:19	16:19 20:14	18:15 21:13
<b>2018</b> 11:15	31:4	23:24	28:18
<b>2020</b> 24:8	34:12 34:22	31:1	<b>attack</b>
24:17	<b>accepted</b> 33:5	31:14	15:11 19:24
<b>2021</b> 25:13	<b>access</b> 15:2	36:2 37:1	<b>attempt</b>
<b>2022</b> 5:4	17:1 17:8	<b>answered</b>	10:1 21:2
<u>3</u>	33:19 34:4	32:22 33:12	21:25
<b>30</b> 32:25 33:1	<b>according</b> 7:4	35:24	<b>attempted</b>
37:23	11:8 24:3	<b>anyone</b>	15:7 15:8
<u>4</u>	27:16 31:6	16:23 26:18	30:20
<b>4</b> 5:4	<b>activate</b>	29:15 29:15	33:3 33:8
<u>9</u>	6:7 18:16	<b>anything</b>	<b>audio</b> 18:17
<b>911</b> 8:15 8:16	<b>actually</b> 18:6	11:16	<b>average</b> 32:20
8:20 8:21	<b>added</b> 19:12	18:2	37:23
8:23 8:24	<b>admonished</b>	21:10 21:24	<b>aware</b> 7:13
9:1 9:11	29:12	36:4	7:14 18:5
9:19 10:1	<b>advice</b> 29:16	<b>apply</b> 19:5	26:10 29:22
14:13 14:18	<b>affirm</b> 5:12	<b>aren't</b> 31:4	30:4 30:8
16:6	<b>ago</b> 11:6	<b>arise</b> 27:10	30:12 30:12
<b>95</b> 38:4	15:17	<b>arm</b> 27:9	30:16 31:10
	<b>ahead</b> 15:15	<b>armed</b> 21:10	<b>away</b> 20:20
	20:5	21:11 21:14	<u>B</u>
	20:22 23:24	<b>arrest</b> 12:6	<b>basically</b> 9:1
		13:3	12:14 22:19
		16:12 17:16	23:6 34:9



36:8	37:1 37:4	<b>car</b> 21:9	7:21 8:8
<b>behalf</b> 5:21	<b>better</b> 7:10	21:22	11:10 26:14
<b>behind</b>	8:14	22:1 22:6	35:6
20:16 21:19	<b>black</b> 36:9	22:9	<b>certainly</b>
<b>believe</b> 12:11	36:12	22:12 22:18	34:1
13:4 21:9	<b>body</b> 10:9	23:2 23:3	<b>certified</b> 9:6
22:14 28:14	10:12	23:3 37:13	<b>changed</b> 24:16
36:5 36:8	14:6 14:8	<b>carry</b> 10:20	24:16
36:22 37:9	14:10 14:21	16:8 27:1	<b>charge</b> 19:11
<b>Bell</b> 5:19	15:6	30:21 31:24	<b>charges</b> 19:5
5:19 6:4	15:22 15:22	32:2 32:5	<b>charging</b>
9:24	17:18 17:19	32:10	19:14
11:22	17:20 17:24	<b>case</b> 10:22	<b>chase</b> 18:25
12:5	18:3 18:9	10:25	<b>check</b> 13:24
12:22 15:20	18:15 18:16	11:5 11:9	26:20
16:21	26:5	16:13 23:17	<b>clarification</b>
20:9	26:22 27:17	25:21 27:12	25:10
20:18 20:25	27:20 28:16	29:10 36:19	<b>clear</b> 8:20
24:1 24:5	<b>bodycam</b> 28:9	<b>caught</b> 20:17	11:7
24:9	<b>Boys</b> 36:15	<b>cause</b> 12:15	14:18
24:19	<b>briefly</b> 7:15	12:25	25:8 30:1
25:9	<b>bunch</b> 6:12	13:4 27:5	34:15
25:17 25:19		<b>caused</b> 36:5	<b>clearer</b> 7:10
30:1 30:3		<b>CDI</b> 8:4 14:23	<b>client</b>
31:3			17:13 21:19
31:16		<b>cell</b> 15:8	27:13
33:2		34:18	<b>colleagues</b>
33:16 33:22		<b>center</b> 7:20	16:16 23:16
33:25		8:1 8:1	<b>color</b> 22:6
35:6		8:10 9:18	<b>Commissioner</b>
35:11 35:18		9:22 10:3	5:22
36:1 37:1		13:8	<b>committed</b>
37:3		13:17 33:14	12:12
37:15 38:11		33:15 34:21	<b>communication</b>
38:14 38:22		34:23	s 29:5 29:6
38:24		35:2 35:5	<b>completed</b>
<b>Bentley</b> 22:10		35:5 35:7	
<b>best</b> 8:17		35:10	
9:13 9:17		<b>centers</b>	
10:16 12:18		7:16 7:17	
30:19			
	<b>camera</b>		
	14:10 14:21		
	17:19 17:24		
	18:3 26:22		

24:24	7:17 7:18	<b>crazy</b> 34:5	<b>Defendants</b>
<b>compliant</b>	8:2 8:3 8:6	<b>crime</b> 12:7	5:22
20:2 20:6	9:4 9:8	12:12	<b>deliberately</b>
20:8	9:12	13:4	15:10 15:11
<b>complied</b> 21:2	10:24	18:21 19:1	<b>denied</b> 17:22
<b>comply</b> 20:10	12:8 12:9	<b>criminal</b> 7:25	<b>Department</b>
<b>computer</b> 7:23	12:13 12:21	8:5	7:5 7:12
<b>concerned</b>	12:25	<b>current</b> 24:6	24:4
8:24	13:6	<b>currently</b>	27:25 33:6
<b>concerning</b>	13:18	29:21 29:21	<b>department's</b>
7:6 7:12	19:2	<b>custody</b>	8:5
24:22 35:3	19:17	12:8 19:7	<b>depicted</b> 14:8
<b>concluded</b>	21:7 25:1	19:9	<b>DEPONENT</b> 5:10
39:12	27:4	19:15 20:24	5:15 9:22
<b>conclusion</b>	27:22 30:22	<b>cut</b> 32:23	11:21
12:17	31:2 31:9		12:2
<b>conduct</b> 29:10	32:3 32:7		12:20 15:16
<b>connected</b>	34:22 34:23		16:20
13:20	36:3 36:10		20:6
<b>considered</b>	<b>correctly</b>		20:15 20:23
20:8 24:3	26:21		23:25 24:15
25:14	<b>could've</b> 28:2		31:2
<b>consistent</b>	28:3		31:15 32:25
33:4	<b>counsel</b>		33:14 33:23
<b>contact</b>	5:17 5:24		35:9
14:3 22:18	35:13 38:16		37:17 38:13
<b>contacted</b>	<b>County</b>		<b>deposition</b>
14:13	13:20 14:13		5:1 39:11
<b>contacting</b>	14:23 14:25		<b>describe</b>
14:15	16:5 16:5		21:17
<b>contest</b> 15:25	<b>County's</b>		<b>desk</b> 27:24
<b>contesting</b>	14:15		27:25
27:21	<b>couple</b> 13:7		28:3 28:4
<b>copy</b> 25:16	32:11		28:5 28:7
39:1	<b>courtesy</b>		28:10 28:15
<b>correct</b> 7:8	36:18		28:18 28:20
	<b>courthouse</b>		28:21 28:25
	14:3 14:4		29:1 29:2
	30:14		29:4

<b>Detective</b> 17:4 17:6 17:11 17:12 17:14 17:22 18:4 <b>determine</b> 31:23 <b>different</b> 13:12 28:6 <b>directive</b> 24:20 25:11 <b>directives</b> 24:4 24:6 24:6 24:10 25:2 25:3 25:4 <b>disagree</b> 14:7 26:4 <b>disciplined</b> 29:9 <b>discussion</b> 14:14 17:4 17:18 <b>dispatch</b> 8:15 8:16 8:21 8:24 9:19 13:20 14:16 14:17 14:18 15:1 28:6 <b>dispatcher</b> 8:23 <b>dispute</b> 10:11 10:13 14:11 <b>disputing</b> 15:22 <b>disregarded</b> 21:23	<b>disregarding</b> 19:19 19:21 21:5 <b>division</b> 8:5 <b>done</b> 5:9 5:10 <b>dozens</b> 32:16 <b>draw</b> 19:22 <b>drawing</b> 24:2 24:22 25:20 <b>drive</b> 37:13 <b>duly</b> 6:1 <b>during</b> 13:14 <hr/> <div>E</div> <hr/> <b>education</b> 6:14 <b>effective</b> 25:11 <b>either</b> 10:23 11:13 11:15 16:22 <b>electronic</b> 39:3 <b>else</b> 16:24 <b>emergencies</b> 9:3 <b>encounter</b> 11:4 22:7 23:20 31:21 <b>encountered</b> 10:19 30:6 30:18 <b>encountering</b> 10:18 25:23 <b>enforcement</b>	9:10 16:25 17:7 18:21 26:11 33:18 33:19 34:1 34:2 34:3 34:10 34:11 35:7 35:10 <b>essentially</b> 12:15 <b>E-tran</b> 39:7 <b>evade</b> 21:25 <b>everybody</b> 35:14 35:14 <b>everybody's</b> 35:15 <b>evidence</b> 21:9 <b>exact</b> 32:15 <b>exactly</b> 12:3 28:1 <b>EXAMINATION</b> 6:3 37:20 <b>examined</b> 6:2 <b>expecting</b> 32:14 <b>experience</b> 33:17 <b>explain</b> 6:19 6:24 7:19 21:17 <b>extent</b> 34:7 <b>eye</b> 12:3 <hr/> <div>F</div> <hr/> <b>fact</b> 32:5 <b>fair</b> 30:17	<b>fake</b> 10:6 10:13 10:13 10:17 <b>faked</b> 10:5 <b>fall</b> 24:17 <b>false</b> 18:20 19:4 19:7 <b>February</b> 24:7 29:25 <b>fellow</b> 16:12 <b>fight</b> 21:2 <b>filled</b> 25:15 <b>finally</b> 13:15 <b>fire</b> 27:9 <b>firearm</b> 10:5 13:24 24:2 25:14 25:20 25:25 26:7 26:15 26:18 26:23 26:25 27:7 27:9 31:18 31:23 <b>firearms</b> 26:12 <b>Five</b> 6:18 <b>fled</b> 25:22 27:13 27:17 <b>flee</b> 21:20 <b>fleeing</b> 18:24 19:10 19:16 20:8 21:15 21:18 <b>Floyd</b> 24:17 <b>follow-up</b>
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38:12 38:14	34:23	26:6 28:1	15:12
<b>force</b> 24:3	35:2 35:5	28:5	<b>heard</b> 35:19
24:22 24:23	35:5 35:6	<b>gun</b> 6:20 6:21	<b>he's</b> 23:21
24:25	35:7 35:10	6:25 10:1	<b>Hey</b> 6:7
25:5		11:4	<b>high</b> 6:15
25:13 25:15	<hr/> G <hr/>	11:17	18:25 21:20
<b>form</b> 9:20	<b>GBI</b> 16:24	15:2	<b>highest</b> 6:14
11:19 11:25	<b>general</b>	15:23 16:17	<b>Hmm</b> 23:5
16:18	8:10 9:10	17:1 17:8	<b>Hold</b> 18:14
20:4	<b>generally</b> 8:4	29:22	<b>hotline</b> 9:1
20:13 20:21	33:5 35:6	30:5	10:2
23:23 25:15	35:7 38:8	30:14	<hr/> I <hr/>
29:24 30:25	38:9	31:5 31:5	<b>ID</b> 19:4 19:7
31:13	<b>George</b> 24:17	32:17 32:19	<b>idea</b> 37:8
<b>fought</b> 20:11	<b>Georgia</b> 7:1	33:4 33:9	37:11
<b>friend's</b>	7:6 7:13	33:10 33:19	<b>Ignore</b> 25:7
26:23 26:25	8:9 10:19	34:4	<b>I'll</b> 6:10
<b>front</b> 22:19	11:4 12:3	34:11 34:13	8:13 9:20
24:13 27:24	13:8 13:9	34:17 34:22	11:19 38:5
27:25	13:16	35:3	<b>I'm</b> 6:10 6:11
28:3 28:4	16:6	35:20 37:23	7:14 8:12
28:5 28:7	16:16	37:25	8:24 9:13
28:10 28:15	17:7 17:8	38:2 38:2	12:2 13:4
28:17 28:20	17:14 17:16	<b>Gwinnett</b>	18:7
28:21 28:25	17:22 27:24	13:20 14:13	19:11 19:11
29:1 29:2	29:16 30:16	14:15 14:23	19:13 21:15
29:4	31:5 31:6	14:25	26:19 28:16
<b>furnishing</b>	<b>Georgia's</b>	16:4 16:5	30:8
19:4	30:13	<hr/> H <hr/>	30:16 32:14
<b>fusion</b> 7:17	31:5	<b>hand</b> 5:8	34:15 34:20
7:20 7:21	35:21 35:25	<b>handcuffs</b>	35:15 36:16
8:1 8:10	<b>given</b> 32:8	37:12	<b>immediately</b>
9:18 9:22	32:13	<b>happen</b> 11:2	25:4 25:5
10:3	<b>giving</b>	11:3 26:9	<b>impact</b> 22:25
11:10	18:20 19:7	<b>happened</b> 13:4	<b>implemented</b>
13:8	<b>great</b> 39:6	15:16 26:1	24:18
13:16 16:24	<b>guess</b> 9:10	<b>hard</b> 22:25	
17:7	12:20 20:19	<b>haven't</b> 10:15	
26:13 33:14	22:19 23:19	<b>having</b> 6:1	
33:15 34:21			

<b>important</b> 31:18	<hr/> J <hr/>	26:25	<b>male</b> 13:17
<b>incident</b> 20:24 21:1 29:19	<b>jail</b> 30:24 32:2 32:6 <b>JANUARY</b> 5:4	<b>legit</b> 11:23 <b>legitimate</b> 12:4 32:5	<b>man</b> 30:24 <b>manner</b> 33:3 <b>MATTHEW</b> 5:2 6:1 39:12
<b>includes</b> 25:13	<b>job</b> 31:19 <b>Jordan</b> 35:17	<b>let's</b> 8:15 18:15	<b>may</b> 5:25 26:22
<b>individual</b> 9:23 15:17 21:11	<b>judge</b> 30:14 35:22	<b>level</b> 6:14	<b>maybe</b> 37:11 37:12
<b>individuals</b> 21:13	<hr/> K <hr/>	<b>license</b> 6:20 6:21 6:25 7:3 7:7 10:1 10:5 10:13 10:17 10:19 11:5 11:8 11:17 13:24 16:17 27:1 29:22 30:5 30:15 30:20 31:24 32:1 32:5 32:10 33:4 33:9 33:10 34:22 36:5 36:8	<b>mean</b> 8:19 12:2 18:10 19:14 23:1 32:23 34:7 35:4
<b>information</b> 7:16 7:22 8:8 9:16 9:17 17:9 18:21 35:2 35:3	<b>knocked</b> 22:20 22:21 23:9 23:10 <b>knowledge</b> 8:17 9:13 10:16 19:23 24:11 30:19	<b>licenses</b> 31:18	<b>meaning</b> 21:1 <b>means</b> 16:2 <b>member</b> 36:14 <b>members</b> 9:2 <b>memo</b> 24:25 <b>mentioned</b> 7:15 37:22
<b>informed</b> 13:23	<hr/> L <hr/>	<b>light</b> 23:2	<b>mini</b> 39:7
<b>initial</b> 23:19	<b>lane</b> 23:2	<b>lights</b> 21:24	<b>minis</b> 39:3
<b>initially</b> 20:16	<b>last</b> 15:9	<b>little</b> 7:9	<b>minivan</b> 22:9
<b>intake</b> 8:25	<b>law</b> 9:10 16:25 17:7 18:21 26:11 26:17 33:18 33:18 34:1 34:2 34:3 34:9 34:10 35:7 35:10	<b>local</b> 8:4	<b>mirror</b> 22:20 22:21 23:8 23:10
<b>intelligence</b> 8:1 8:5	<b>lawfully</b> 31:22	<b>locate</b> 22:4	<b>mislead</b> 16:11 16:15 16:20
<b>invalid</b> 10:23 36:5 38:2	<b>laws</b> 30:13 30:16 35:25	<b>located</b> 29:7	<b>moment</b> 15:5 31:4
<b>investigating</b> 9:17	<b>least</b> 15:1	<b>long</b> 6:16	<b>morning</b> 6:5 6:6
<b>investigation</b> 13:14	<b>legal</b> 12:16	<hr/> M <hr/>	<b>multiple</b>
<b>isn't</b> 34:16 34:16			
<b>I've</b> 5:10 15:7 37:6 37:6 39:7			

15:24	15:2	6:19 6:24	14:13 15:23
<hr/>	<b>offense</b> 21:6	7:4 7:24	16:5 16:6
<b>N</b>	<b>officer</b> 5:2	8:7 10:18	<b>opinion</b> 34:25
<b>naked</b> 12:3	5:7 5:22	10:22	34:25
<b>NCIC</b> 7:16	5:23 6:5	11:7	<b>opportunity</b>
<b>NCIC/PCIC</b>	6:7 6:17	11:11 11:16	10:8
6:22 7:3	8:21 9:5	11:16	<b>original</b>
<b>necessary</b>	9:6 9:19	12:6 13:6	38:22
25:21	9:21	13:15 14:17	<b>otherwise</b>
<b>night</b> 15:9	11:20	14:25	21:12
<b>nobody</b> 31:7	12:1	15:5	<b>Outlaw</b> 5:22
<b>none</b> 32:12	12:18 12:23	15:10 15:21	<b>owner</b> 26:8
<b>Normally</b> 6:22	12:24 13:10	16:1 16:2	26:15 26:20
<b>note</b> 39:8	13:22	16:22	<b>ownership</b>
<b>nothing</b>	14:9	17:3 17:3	26:12
5:14 16:8	14:17 14:18	17:6	<hr/>
<b>nothing's</b>	15:1	17:20	<b>P</b>
18:12	15:15 16:19	18:8	<b>paint</b> 23:13
<b>notice</b> 22:13	16:22 16:25	18:13 18:20	<b>Pardon</b> 24:5
<hr/>	17:3 17:7	19:6	<b>parked</b> 23:3
<b>O</b>	18:21 20:14	19:20 20:10	23:4
<b>object</b> 9:20	20:22 23:24	21:1	<b>particular</b>
11:19	25:21	24:20 24:25	27:9
14:7	30:4	25:3	<b>passenger</b>
20:13 23:23	30:13	25:18 25:24	22:16 22:17
<b>Objection</b>	31:1 31:4	26:10 27:19	<b>PCI/NCIC</b> 16:7
11:25 12:16	31:14 33:13	28:11 28:13	<b>PCIC</b> 7:16
15:14 16:18	33:18	28:20	7:25
20:4	34:2	29:1	<b>peace</b> 9:6
20:21 29:24	34:17 35:19	32:13 32:25	<b>penalty</b> 5:12
30:25 31:13	37:4	34:9	<b>Pennsylvania</b>
32:22 33:12	37:16 37:18	34:14 36:21	6:20 6:22
35:4	39:11	37:25	7:3 7:7 9:7
35:24 36:24	<b>officers</b> 8:16	38:7	9:25
<b>occasional</b>	16:12 18:25	38:10 38:13	26:10 33:15
38:6 38:7	19:10 19:16	38:15 38:16	35:5 38:2
<b>occasions</b>	34:3 34:17	39:7	38:3 38:9
	<b>officials</b>	<b>oncoming</b>	
	16:16 33:19	21:21	
	<b>Oh</b> 18:5 21:13	<b>ones</b> 25:4	
	<b>okay</b> 6:16	25:5 38:7	
		<b>operator</b> 9:11	



<b>Pennsylvania'</b> <b>s</b> 7:25 <b>people</b> 13:12 36:12 38:1 <b>per</b> 12:3 <b>percent</b> 38:4 <b>percentage</b> 37:25 <b>Perfect</b> 5:16 <b>perfectly</b> 11:23 <b>perjury</b> 5:12 <b>permit</b> 15:2 15:24 16:7 17:1 17:8 17:13 17:23 29:17 31:5 33:20 34:4 34:11 34:13 34:18 35:3 35:20 38:6 <b>permits</b> 7:6 7:13 12:3 38:2 38:3 38:5 38:8 <b>person</b> 12:7 12:11 13:19 15:17 31:24 32:1 32:5 36:22 36:25 37:9 <b>personal</b> 15:11	<b>person's</b> 32:4 <b>Philadelphia</b> 7:5 7:12 24:4 27:24 33:6 <b>phone</b> 15:8 31:12 34:18 <b>pictures</b> 22:1 <b>pinpoint</b> 11:12 <b>pistol</b> 19:22 24:22 <b>please</b> 5:8 5:17 25:17 38:24 <b>point</b> 6:11 16:11 16:15 18:12 19:21 26:21 26:23 <b>pointed</b> 25:14 <b>pointing</b> 23:15 <b>police</b> 6:16 7:5 7:12 8:5 9:5 12:6 12:7 16:6 18:24 21:25 24:4 27:14 27:18 27:25 33:6 34:17 35:1 <b>policy</b> 7:11 24:4 <b>Ponente</b> 5:2 5:7 5:22 6:1 6:5	25:21 30:4 39:12 <b>position</b> 15:18 <b>practices</b> 33:5 <b>pretty</b> 9:3 <b>prior</b> 10:18 11:5 12:10 17:15 17:16 25:4 25:5 <b>probable</b> 12:15 12:25 13:3 <b>probably</b> 32:14 <b>procedure</b> 11:9 31:6 31:11 35:20 35:20 <b>proceed</b> 5:25 <b>proceeded</b> 21:20 <b>process</b> 6:19 6:21 19:14 <b>processed</b> 12:8 <b>prohibits</b> 26:11 <b>Proud</b> 36:15 <b>proven</b> 21:12 21:12 <b>provided</b> 7:5 33:6 <b>public</b> 9:2	27:1 31:22 <b>pulled</b> 20:11 20:15 <b>purpose</b> 34:12 <hr/> <b>Q</b> <hr/> <b>qualification</b> <b>s</b> 9:11 <b>Quarles</b> 5:20 10:4 10:18 11:5 11:17 17:22 19:3 19:18 19:20 21:8 22:23 25:25 26:6 29:22 30:5 30:18 31:5 33:4 33:9 36:4 36:17 <b>quarters</b> 23:5 <b>question</b> 7:11 8:14 12:24 30:12 33:21 33:22 33:24 34:6 34:16 37:19 <b>questions</b> 6:10 6:13 13:7 38:11 <b>quick</b> 37:18 <hr/> <b>R</b> <hr/> <b>race</b> 36:4
--	---	---	--

<b>racial</b> 36:11	22:11 22:22	10:25 14:14	28:5 28:7
<b>radio</b> 28:2	22:24 23:10	14:15	28:22 28:24
28:5 28:7	23:15 23:18	17:9	28:24
28:22 28:23	26:2	17:10 17:12	<b>Rose</b> 17:4
28:24 29:5	26:20 27:19	<b>remind</b> 35:14	17:6
<b>railroad</b>	28:1 28:3	<b>REMOTE</b> 5:1	17:11 17:12
30:23	<b>received</b> 8:25	<b>repeat</b> 33:23	17:14 17:22
<b>raise</b> 5:8	<b>recollection</b>	<b>rephrase</b> 6:10	18:4
<b>ran</b> 16:6	15:12	<b>report</b> 9:2	<b>roughly</b> 37:22
25:24 26:7	<b>record</b> 5:17	<b>REPORTER</b>	<b>run</b> 7:21 27:7
<b>rank</b> 9:15	38:19 38:22	5:7 5:11	<b>running</b> 23:21
<b>rat</b> 20:19	39:10	5:16 5:24	<b>Ryan</b> 5:19
<b>rate</b> 21:20	<b>recorded</b>	35:13 38:16	<hr/> S <hr/>
<b>Razman</b> 5:23	17:18 17:19	38:18 38:21	<b>saw</b> 17:16
16:23	18:6 18:15	38:25	<b>scene</b> 16:12
<b>reach</b> 13:16	<b>recording</b>	39:4 39:7	16:23 16:24
<b>ready</b> 38:18	18:12	<b>represent</b>	23:16 27:16
<b>really</b> 34:5	<b>records</b>	5:18 5:19	<b>school</b> 6:15
<b>reason</b>	15:3	<b>require</b> 30:13	<b>se</b> 12:3
12:11 12:14	15:24	<b>required</b>	<b>second</b> 18:14
<b>reasonable</b>	17:1 17:8	31:23	<b>send</b> 25:15
36:22 36:25	33:20	<b>responsibilit</b>	27:25
37:9	34:4	<b>ies</b> 8:16	<b>sent</b> 27:23
<b>recall</b>	34:11 34:18	8:18 8:22	28:2 28:8
10:17	<b>red</b> 21:24	<b>review</b> 10:9	28:18
13:9	23:2	10:15 14:21	<b>sergeant</b>
13:11	<b>refers</b> 7:25	15:6 15:7	16:23 27:15
14:1 14:2	28:4	15:8 26:22	<b>serious</b> 12:7
14:5	<b>register</b>	<b>revoked</b>	<b>several</b>
14:20 14:24	26:18	38:6 38:8	11:6
14:25	<b>registered</b>	<b>ridiculous</b>	11:11 13:11
15:4	25:25	6:12	<b>Shannon</b> 5:21
15:13 15:17	26:7 26:14	<b>riots</b> 24:17	<b>showed</b> 26:5
16:4 16:9	<b>registration</b>	<b>road</b> 21:22	<b>shows</b> 10:12
16:10	26:11	21:23 21:24	15:22 17:21
17:2 17:3	<b>registry</b>	<b>robbery</b> 17:16	17:21 17:24
18:2 18:3	26:11	<b>room</b> 28:2	
22:8	<b>remember</b>		

27:20	<b>sources</b> 9:16	23:12 23:14	<b>thank</b> 5:16
<b>sideswiped</b>	<b>speak</b> 35:14	<b>surrendered</b>	5:24 6:9
21:22	<b>specific</b> 7:11	21:2	35:15 37:16
22:2 22:6	31:6	<b>suspicion</b>	37:17 38:20
22:12 23:3	<b>specifically</b>	27:10	39:6
<b>sideswiping</b>	11:14 17:10	<b>suspicious</b>	<b>there's</b> 8:9
23:21	<b>speed</b> 18:25	26:3 26:6	13:23 23:12
<b>sign</b> 19:19	21:20	27:6	25:12
19:21 21:5	<b>spoke</b> 14:17	27:12 27:18	28:6 35:9
<b>signs</b> 21:23	15:17 18:4	<b>swear</b> 5:11	<b>they're</b>
<b>similar</b> 35:21	<b>state</b> 5:17	<b>switch</b> 18:17	7:21
<b>simple</b> 34:5	7:1 9:7	<b>sworn</b> 6:1 9:5	21:11 36:22
<b>simply</b> 15:12	26:17	9:5	37:9
<b>single</b> 27:7	<b>stated</b>	<b>system</b> 6:23	<b>tight</b> 23:5
27:8	26:21 26:22	7:3 16:7	<b>til</b> 21:12
<b>solemnly</b> 5:11	<b>status</b> 16:8	<hr/>	<b>totally</b> 26:25
<b>somebody</b>	<b>stop</b> 19:18	T	<b>towards</b> 22:19
34:12 36:21	19:19 19:21	<b>taking</b> 35:15	36:12 36:12
37:7	21:5	<b>talk</b> 8:7 8:15	<b>traffic</b> 21:21
<b>someone</b>	21:23 31:22	14:22	<b>trained</b>
12:6	<b>stopped</b> 19:20	<b>talked</b>	6:25 12:2
12:10	20:17 25:22	13:17 27:15	12:24
13:3 16:7	<b>straight</b> 38:5	<b>talking</b>	<b>training</b>
25:22 31:21	<b>street</b> 27:3	13:9	7:4 9:10
32:9	31:22	13:11	30:19
<b>someone's</b>	<b>strike</b> 25:6	24:6	33:5 33:18
34:17	<b>subject</b> 9:18	25:10 28:10	<b>transcript</b>
<b>sorry</b> 8:12	<b>summer</b> 24:16	28:16 28:17	38:23
9:13	<b>supervisor</b>	30:9	<b>trapped</b> 20:19
18:13	28:10 28:17	<b>taught</b> 31:7	<b>treat</b> 21:11
25:9 30:2	29:4	33:10	36:18
32:23 35:17	<b>supervisors</b>	<b>teletype</b>	<b>trick</b> 12:23
<b>sound</b> 18:8	29:13	27:23 27:25	30:11 34:6
18:10	<b>sure</b> 19:11	28:8 28:19	<b>tried</b> 23:1
<b>sounds</b> 34:5	31:15	<b>testified</b> 6:2	<b>truth</b> 5:13
<b>source</b> 9:17	<b>surprised</b>	<b>testimony</b>	5:14 5:14
		5:13	<b>trying</b>

30:23 31:12 <b>turn</b> 18:8 18:9 18:10 <b>Twenty</b> 32:21 32:25 <b>typically</b> 33:19 34:3 34:11 34:21 <hr/> <b>U</b> <b>unable</b> 15:8 <b>understand</b> 6:9 20:7 26:17 26:19 34:3 34:10 <b>understanding</b> 34:2 34:21 35:8 <b>unknown</b> 22:18 <b>unless</b> 13:3 <b>unusual</b> 11:17 34:24 34:25 <b>updated</b> 24:10 25:12 <hr/> <b>V</b> <b>valid</b> 10:23 11:8 17:13 17:23 29:22 29:24 30:5 30:21 32:9 36:9 <b>validity</b> 10:7 <b>vehicle</b> 22:4 22:13 22:18	22:18 23:13 23:16 <b>vehicles</b> 23:21 <b>verification</b> 35:20 <b>verified</b> 11:7 <b>verify</b> 6:25 7:6 7:7 10:1 10:7 10:23 16:17 30:14 30:20 31:5 31:12 32:4 32:9 33:4 33:8 33:10 34:12 34:22 <b>verifying</b> 6:20 6:21 31:18 <b>video</b> 6:7 <b>VIDEOCONFEREN</b> <b>CE</b> 5:1 <b>violent</b> 21:6 <b>voices</b> 35:15 <b>volume</b> 18:17 <hr/> <b>W</b> <b>warned</b> 29:12 <b>warrants</b> 24:23 <b>wasn't</b> 19:16 28:22 <b>waste</b> 6:12 <b>wedge</b> 23:1 <b>week</b> 32:8	<b>WHEREUPON</b> 39:11 <b>whether</b> 11:8 30:20 31:24 32:9 34:12 34:16 <b>white</b> 36:17 <b>whole</b> 5:14 29:23 <b>whom</b> 5:18 <b>would've</b> 33:9 <b>wrong</b> 21:21 21:21 21:22 <hr/> <b>Y</b> <b>you've</b> 5:9 28:25 <hr/> <b>Z</b> <b>Zabel</b> 5:21 5:21 9:20 11:19 11:25 12:16 15:14 16:18 20:4 20:13 20:21 23:23 24:5 24:10 25:9 25:18 29:24 30:25 31:13 32:22 33:12 33:21 35:4 35:17 35:24 36:24 37:18 37:21 38:10 38:15 38:17	38:20 38:25 39:2 39:5
--	--	--	--------------------------